UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

State of Minnesota, by its Attorney General Lori Swanson, Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

AFFIDAVIT OF LINDA SCHMEICHEL

Accretive Health, Inc.,

Defendant.

Linda Schmeichel, being first duly sworn on oath, state as follows:

- 1. My name is Linda Schmeichel. I am 58 years old, and have two adult sons. I was born and raised in Minot, North Dakota. 12 years ago, I moved from North Dakota to the Twin Cities to be closer to my son, who lives in Minneapolis. I now live in St. Paul. For many years, I worked in financial banking. Now, I work in marketing for a structural engineering firm. At the time described below, I had a high-deductible HealthPartners insurance plan through my employer. I have a different insurance plan now.
- 2. On March 29, 2011, while at work, I began to have extreme chest and back pain. I got so lightheaded from the pain that I almost passed out. I was very scared because I did not know what was going on. I was worried that I might be having a heart attack. Since I worked in Edina at the time, my boss drove me to the Fairview Southdale Emergency Room.

- 3. When we arrived at the emergency room at around 10:00 a.m., my boss found me a wheelchair and checked me in. We waited in the lobby for about 45 minutes. While I was waiting, my son arrived. While I was in the lobby, the pain increased. Due to a sharp pain I was feeling in my chest, a nurse immediately wheeled me to a room off the nurses' station, and hooked me up to an EKG. After being hooked up to the machine, and checking my vitals, the nurse brought me back to the emergency room lobby.
- 4. I waited in the lobby, with my son, for another 30-45 minutes. The extreme pain continued; I thought I was going to die. I was then taken into a room and a nurse hooked me up to a heart monitor and a machine to check my blood pressure. The nurse left, and a doctor came into the room and asked me questions. The doctor ordered blood work and tests, but did not know what was wrong with me yet. I was still in tremendous pain. The doctor was in my room for about five minutes.
- 5. After the doctor left the room, a short time later, a man came into the room with a computer. The man told me that emergency room visits are very expensive. I was in such pain, and so out of it, that I did not understand what the man was getting at. I told him that I knew visits could be expensive. He then told me that I had HealthPartners insurance and a high deductible. I told him that I knew that, too. He told me that the hospital needed payment upfront because I hadn't hit my deductible yet. He was very intimidating and made me feel like payment was mandatory. I asked him how I was supposed to pay. He told me that I could either put it on my credit card, or I could write him a check. I asked him how he could know how much I owed. He told me that I owed over \$700 at that time. I told him that I did not have that kind of money in my checking

account, and I asked my son to bring me my purse, as I was hooked up to a machine and too weak to get out of bed. I gave my credit card to the man, who charged my card, gave me a receipt, and left the room. Ultimately, I had surgery at a different hospital, and my gall bladder was removed.

- 6. After my Fairview emergency room experience, I called Fairview to complain about the man collecting from me in the emergency room, while I was sick, scared, and weak, and before the hospital could even know what my bill would be. The Fairview representative told me that Fairview was trying out a new company. After this call, Fairview sent a letter to me, dated April 25, 2011. Attached as Exhibit A is a copy of the letter I received from Fairview.
- 7. Later, when I received my EOB from HealthPartners regarding my Fairview emergency room visit, I saw that my patient responsibility was approximately \$500, which meant that Fairview had overcharged me in the emergency room. Fairview never contacted me to let me know that I had overpaid. I called Fairview to tell it that I had overpaid, and to request a refund. I was told that I would get a refund, and I asked when I would receive it. The Fairview representative told me that I would get a refund during Fairview's next billing cycle. I told the representative that I thought it was unfair that Fairview took money from me in the emergency room, while I was very sick, but that

when Fairview owed me money, it waited until the next billing cycle. The representative told me that's just the way it is. I ended up getting a refund check about one month later.

Jula Schmerch

Subscribed and sworn to before me

this <u>9th</u> day of <u>May</u> 2012.

Notary Public

REBECCA LEE
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015

FAIRVIEW SOUTHDALE HOSPITAL

6401 France Avenue South Edina, MN 55435-2199 Tel 952-924-5000

April 25, 2011

Ms. Linda F. Schmeichel 2050 Pathway Drive St. Paul, Minnesota 55119-4670

Dear Ms. Schmeichel,

This letter is in follow up to the concerns you brought to my attention regarding your recent Emergency Room (ER) visit at Fairview Southdale Hospital. You explained your concerns regarding the Business Services Representative and nursing care issues in the ER.

As we discussed during our phone conversation, I have talked with Ms. Jena Anderberg, Director of Business Services, and with Mr. Mike Fasbender, Nurse Manager of the ER, about your concerns; both will do the necessary follow-up with their staff members who were involved in caring for you. They will counsel and reeducate their staff on their approach to patients.

Our primary focus at Fairview Southdale Hospital is to meet the needs of our patients. We deeply regret that we were unable to meet your expectations. I am confident that the information you offered will make a difference to you and future patients at our hospital. Please do not hesitate to call me with further questions or concerns; I would be happy to receive your call.

Sincerely,

Ginger Kummer, R.N., Director of Patient Relations

Fairview Southdale Hospital 6401 France Avenue South Edina, Minnesota 55435 952-924-5965